

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

RowVaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Plaintiff,

vs.

The City of Memphis, a municipality;
Chief Cerelyn Davis, in her official capacity;
Emmitt Martin III, in his individual capacity;
Demetrius Haley, in his individual capacity;
Justin Smith, in his individual capacity;
Desmond Mills, Jr., in his individual capacity;
Tadarrius Bean, in his individual capacity;
Preston Hemphill, in his individual capacity;
Robert Long, in his individual capacity;
JaMichael Sandridge, in his individual capacity;
Michelle Whitaker, in her individual capacity;
DeWayne Smith, in his individual capacity and
as an agent of the City of Memphis.

Defendants.

Civil Action No. 2:23-cv-2224

NOTICE OF SUBPOENA

NOW COMES the Plaintiff, RowVaughn Wells, Individually and as Administratrix Ad Litem for the Estate of Tyre Deandre Nichols, by and through her attorneys, and pursuant to Federal Rule of Civil Procedure 45(a)(4), hereby gives notice that the attached Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action shall be served on the following on **June 12th, 2023** and be returned to the offices of the undersigned counsel (i.e., **Mendelson Law Firm, 799 Estate Place, Memphis, Tennessee 38187**) on or before **July 10th, 2023**, at the hour of **9:00 A.M.**:

West Tennessee Regional Forensic Center Office
Keeper of Records
637 Poplar Avenue
Memphis, TN 38105

Dated: June 12, 2023.

Respectfully,

/s/ David Mendelson

MENDELSON LAW FIRM

David Mendelson
(Tennessee Bar No. 016812)
Benjamin Wachtel
(Tennessee Bar No. 037986)
799 Estate Place
Memphis, Tennessee 38187
Tel: (901) 763-2500 ext. 103
Fax: (901) 763-2525
Email: dm@mendelsonfirm.com
Email: bwachtel@mendelsonfirm.com

BEN CRUMP LAW

Ben Crump (*pro hac vice pending*)
(Washington, D.C. Bar No. 1552623)
(Tennessee Bar No. 038054)
Chris O'Neal (*pro hac vice pending*)
Brooke Cluse
717 D Street N.W., Suite 310
Washington, D.C., 20004
Email: ben@bencrump.com
Email: chris@bencrump.com
Email: brooke@bencrump.com

ROMANUCCI & BLANDIN, LLC

Antonio Romanucci (*pro hac vice*)
Bryce Hensley
Bhavani Raveendran (*pro hac vice*)
Sarah Ralsch (*pro hac vice*)
321 North Clark St., Suite 900
Chicago, Illinois 60654
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Email: sralsch@rblaw.net

COUNCIL & ASSOCIATES, LLC

Lashonda Council Rogers
50 Hunt Plaza, S.E. Suite 740
Atlanta, Georgia 30303

Tel: (404) 526-8857
Fax: (404) 478-8423
Email: lrj@thecouncilfirm.com

EARNESTINE HUNT DORSE

Earnestine Hunt Dorse
3268 N Waynoka Circle
Memphis, Tennessee 38111-3616
Tel: (901) 604-8866
Email: ehdorse@gmail.com

CERTIFICATE OF SERVICE

I, the undersigned, on oath, subject to penalty of perjury, state that I served the above Notice of Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action and the attached document(s) to all parties who have been served with summons and had Notices of Appearance filed on their behalf as of June 12, 2023 at their respective addresses via electronic mail and ECF.

SERVICE LIST

Bruce McMullen

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Ave.
Ste 2000
Memphis, TN 38103

Stephen R. Leffler

LAW OFFICE OF STEPHEN R. LEFFLER,
P.C.
1519 Union Avenue
P.O. Box 212
Memphis, TN 38104

Deborah E. Godwin

GODWIN MORRIS LAURENZI
& BLOOMFIELD, P.C.
Morgan Keegan Tower
50 N. Front St.
Ste. 800
Memphis, TN 38103

Darrell J. O'Neal

LAW OFFICE OF DARRELL J. O'NEAL
2129 Winchester Road
Memphis, TN 38116

Laura Elizabeth Smittick

SMITTICK LAW FIRM
242 Poplar Avenue
Memphis, TN 38103

Robert L. J. Spence, Jr

ROBERT L. J. SPENCE, JR.
65 Union Avenue
Suite 900
Memphis, TN 38103

Florence M. Johnson

JOHNSON AND JOHNSON, PLLC
1407 Union Avenue, STE 1002
Memphis, TN 38104

Tadarrins Bean

9953 Cerise Avenue
Cordova, TN 38016

/s/ David Mendelson

MENDELSON LAW FIRM

David Mendelson
799 Estate Place
Memphis, Tennessee 38187
Tel: (901) 763-2500 ext. 103
Fax: (901) 763-2525
Email: dm@mendelsonfirm.com

AO 88B (Rev. 02/11) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

RowVaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Plaintiff

v.

The City of Memphis, a municipality; et. al.

Defendant

Civil Action No. 2:23-cv-2224

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: West Tennessee Regional Forensic Center Office - Keeper of Records
637 Poplar Avenue
Memphis, TN 38106

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please see attached rider and correspondence.

Place: Mendelson Law Firm
799 Estate Place
Memphis, Tennessee 38120Date and Time:
July 10, 2023 at 9:00am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 6/12/2023

CLERK OF COURT

OR

/s/ David Mendelson

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) RowVaughn Wells individually and as administratrix ad litem of the estate of Tyre Deandre Nichols, deceased who issues or requests this subpoena, are:

David Mendelson, Mendelson Law Firm, 799 Estate Place, Memphis, TN 38187; dm@mendelsonfirm.com, 866-997-6325

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

A(D) 888 (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* West TN Regional Forensic Center
 on *(date)* 6/14/2023.

☒ I served the subpoena by delivering a copy to the named person as follows:

West Tennessee Regional Forensic Center Office - Keeper of Records, 637 Poplar Avenue, Memphis, TN 38105

By serving Jun Albright, Keeper of Records on *(date)* 6/14/2023 ; or
6:12:55 PM

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 40.00

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 6/12/2023

/s/ David Mendelson

[Signature]
 Server's signature

David Mendelson

Konner Brankett
 Printed name and title

Mendelson Law Firm
 799 Estate Place
 Memphis, TN 38187

6061 Stage Rd. Suite 9
 Server's address

Partlett TN 38134

Additional information regarding attempted service, etc.: _____

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order unimpeding production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

~~VIA CERTIFIED MAIL~~ *PRS*

June 12, 2023

West Tennessee Regional Forensic Center Office
Attn: Keeper of Records
637 Poplar Avenue
Memphis, TN 38105

RE: Tyre Nichols Autopsy (DOB 6/5/1993)

To whom it may concern:

Pursuant to the foregoing Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, you are commanded to produce the following concerning the autopsy performed on Tyre Nichols (Date of Birth 6/5/1993, Date of Death 1/10/2023):

Please produce:

1. All autopsy photos, including macroscopic photos.
2. All autopsy and toxicology labs, reports, and notes, including correspondence pertaining to performance or results of the autopsy and toxicology report.
3. All labs, reports, notes and any other materials utilized for the neuropathology consultation.

Please make available for inspection:

1. H and E recuts from autopsy slides.
2. All slides from the autopsy and neuropathology consultation.

Should you have absolutely any questions regarding this correspondence, please do not hesitate to contact the undersigned counsel.

Respectfully yours,

/s/ David Mendelson

MENDELSON LAW FIRM

David Mendelson

799 Estate Place

Memphis, Tennessee 38187

Tel: (901) 763-2500 ext. 103

Fax: (901) 763-2525

Email: dm@mendelsonfirm.com

Progressive Process Service

P.O. Box 343058 - Bartlett, TN 38184

Phone: 901-388-7113 - Email: progressivepps.process@gmail.com

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TENNESSEE

I, Konner Bramlett, being duly sworn deposes and says, I have been duly authorized to make service of the documents listed herein in the above titled case, I am over the age of eighteen years and am not a party to or otherwise interested in this matter.

Plaintiff: RowVaughn Wells, Individually and as Administratrix Ad Litem of the Estate of Tyre Deandre Nichols, deceased,

Defendant: The City of Memphis, a municipality, et. al.

DOCKET#: 223CV2224

Court Date/Time: 7/10/2023 / 9:00 AM

DOCUMENTS: Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

DATE OF SERVICE: 6/14/2023

TIME SERVED: 12:55 PM

ADDRESS OF SERVICE: 637 Poplar Avenue, Memphis, TN 38105

SERVED TO: West Tennessee Regional Forensic Center Office, by serving Jan Albright, Keeper of Records

I have served said document(s) in compliance with all the laws of the State of Tennessee and the rules of the courts.



Konner Bramlett, Private Process Server

Sworn and subscribed before me this date: 6/15/2023

My commission expires: June 29, 2025



Michael Paul



My Comm. Exp. 6-29-2025

THE FACE OF THIS DOCUMENT HAS A SECURITY BACKGROUND GIVE MEET RARE

MENDELSON LAW FIRM MENDELSON ESCROW ACCOUNT PO BOX 17235 MEMPHIS, TN 38187	PARAGON NATIONAL BANK ST-848540	D5795726	20435
	DATE 06/12/23	CHECK # 020435	AMOUNT \$40.00
PAY ***Forty and xx/100 Dollars***			
TO THE ORDER OF WEST TN REG FORENSIC CENTER OFFICE	 VOID AFTER 90 DAYS		
	MENDELSON LAW FIRM		

⑈020435⑈ ⑆084008947⑆ 2024768⑈